

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JORDAN ECK, <i>et al.</i>	:	CIVIL ACTION
	:	
v.	:	NO. 19-1873
	:	
OLEY VALLEY SCHOOL DISTRICT,	:	
<i>et al</i>	:	

ORDER

AND NOW, this 15th day of August 2019, upon considering Defendants' partial Motion to dismiss (ECF Doc. No. 12), Plaintiffs' Response (ECF Doc. No. 17), and for reasons in an accompanying Memorandum, it is **ORDERED** Defendants' partial Motion to dismiss (ECF Doc. No. 12) is **GRANTED in part** and **DENIED in part**:

1. We **grant** the partial Motion and dismiss the following claims with leave to amend if possible based on the presently known facts consistent with the accompanying Memorandum and Fed.R.Civ.P. 11 on or before **August 26, 2019**:

- a. Plaintiff Ferrizzi's First Amendment claims against Defendant Becker;
- b. Plaintiff Eck's First Amendment claims against Defendant Lyons;
- c. Plaintiffs' official capacity claims against Defendants Shank, Becker, and Lyons for First Amendment retaliation and Fourteenth Amendment due process violations;
- d. Plaintiffs' intentional infliction of emotional distress claims against Defendant Lyons;

2. We **deny** the remainder of the partial Motion and, absent a second amended complaint, Defendants may answer the remaining claims no later than **August 29, 2019**:

- a. Plaintiff Eck's First Amendment retaliation claims against the School District and Defendants Shank and Becker in their individual capacities;

b. Plaintiff Hartline's First Amendment retaliation claims against the School District and Defendants Shank, Becker, and Lyons in their individual capacities;


c. Plaintiff Ferrizzi's First Amendment retaliation claims against the School District and Defendants Shank and Lyons in their individual capacities;

d. Plaintiffs' Fourteenth Amendment due process claims against the School District and Defendants Shank, Becker, and Lyons in their individual capacities;

e. Plaintiffs' claims against Defendant Shank in his individual capacity for failing to supervise the protection of their First Amendment rights; and,

f. Plaintiff Eck's defamation claims against Defendant Lyons in her individual capacity; and,

3. The Clerk of Court and parties shall correct the caption to accurately reflect the school principal's name as Christopher M. Becker, not "Baker".


KEARNEY, J.